



South Carolina House of Representatives

Legislative Update

David H. Wilkins, Speaker of the House

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HOUSE WEEK IN REVIEW

The House of Representatives spent much of the week considering and amending H.3555, a bill pertaining to **SWINE FEEDING OPERATIONS** and other operations for the production of livestock or poultry. The House first rejected the bill then voted to reconsider the vote by which H.3555 was rejected. The House adjourned for the week before taking another vote on the bill. The legislation **PROHIBITS A COUNTY FROM ENACTING AN ORDINANCE THAT SUPERSEDES OR IMPOSES A MORE STRINGENT STANDARD THAN STANDARDS ESTABLISHED BY THE GENERAL ASSEMBLY RELATING TO THE PRODUCTION OF LIVESTOCK OR POULTRY.**

The House adopted concurrent resolution H.3854, **EXPRESSING THE SUPPORT AND APPRECIATION OF THE GENERAL ASSEMBLY FOR MEMBERS OF THE U. S. ARMED FORCES.**

The House gave third reading approval to H.3768, the **"SOUTH CAROLINA HEALTH AND HUMAN SERVICES REORGANIZATION AND ACCOUNTABILITY ACT OF 2003,"** and sent the bill to the Senate. The legislation reforms the state's Medicaid system, and reorganizes and restructures state health and human services agencies

The House gave third reading approval to H.3231, a bill that **REDUCES BLOOD ALCOHOL CONTENT LIMITS IN DRIVING UNDER THE INFLUENCE PROVISIONS,** and sent the bill to the Senate.

The House gave third reading approval to H.3082, a bill **REVISING THE REVIEW OF REGULATIONS BY THE GENERAL ASSEMBLY,** and sent the bill to the Senate.

The House returned S.9, the **"JOINT AGENCY ACT,"** to the Senate with amendments. The Senate subsequently concurred in the House amendments and ordered the bill enrolled for ratification. This legislation authorizes special purpose districts created for the principal purpose of furnishing natural gas to create joint agencies so as to provide for the joint exercise of powers, joint administration of functions, and sharing of costs. The legislation's stated purpose is to provide to the Gas Authorities of the State a mechanism for the joint exercise of their powers, joint administration of functions, and sharing of related costs so as to ensure that the residents, businesses, and industries of this State located in the service areas of the Gas Authorities are provided with natural gas services as efficiently and inexpensively as possible. The legislation establishes provisions regarding the formation and operation of joint agencies.

The House approved S.71, which authorizes a **PROPERTY TAX EXTENSION FOR DEPLOYED MILITARY PERSONNEL,** and ordered the bill enrolled for ratification. The legislation allows a county to extend the date for filing returns and the payment of property taxes for persons serving with the U.S. Armed Forces or National Guard in or near a hazard duty zone.

The House returned S.320 to the Senate with amendments. The Senate subsequently concurred in House amendments and ordered the joint resolution enrolled for ratification. This joint resolution **AUTHORIZES THE ADJUTANT GENERAL'S OFFICE TO FURLOUGH STATE-FUNDED FULL TIME EMPLOYEES** during fiscal year 2002-2003 under specified conditions. Under the joint resolution, the Executive Director of the Budget and Control Board is authorized to use **EXCESS APPROPRIATIONS FOR FISCAL YEAR 2002-2003**, as determined by the Director of the Office of State Budget, designated for statewide employer contributions for other statewide purposes.

The House approved S.361 and ordered the bill enrolled for ratification. This bill **PROHIBITS THE SALE, POSSESSION, OR IMPORTATION OF THE EGGS OF CERTAIN SPECIFIED FISH AND PROHIBITS THE SALE, POSSESSION, OR IMPORTATION OF SNAKEHEAD FISH.**

The House approved S.165 and ordered the bill enrolled for ratification. This bill provides that it is **UNLAWFUL TO PURCHASE, ACQUIRE, OR POSSESS ANY HUNTING, FISHING, OR TRAPPING LICENSE, PERMIT, OR TAG WHILE A PERSON'S PRIVILEGES ALLOWED BY THE LICENSE, PERMIT, STAMP, OR TAG ARE SUSPENDED.** The bill includes penalties for violation of this provision.

The House returned S.340, **"THE SOUTH CAROLINA RETIREMENT SYSTEMS CLAIMS PROCEDURES ACT,"** to the Senate with amendments. This bill provides procedures that must be applied to disputes between the South Carolina Retirement Systems and the members and member beneficiaries of those systems. The bill requires that any claim brought under these provisions must be prosecuted by the member, the member's designated beneficiary, or an attorney authorized by either of these persons. A claim may not be prosecuted under this bill on behalf of a class. The bill provides procedures for filing written claims with the director of the retirement systems concerning administrative decisions; procedures for filing a request for a contested case hearing of the retirement systems' final decision by the Administrative Law Judge Division (ALJ); and for appeal from the ALJ Division to the Court of Common Pleas. The bill also provides that an employee of the South Carolina Department of Mental Health who meets the requirements for "peace officer" status is included in the definition of "police officer" for purposes of eligibility for membership in the South Carolina Police Officers Retirement System. The bill provides "peace officer" status to employees of the Department of Mental Health whose assigned work location is one of the correctional facilities of the Department of Corrections or the Department of Juvenile Justice.

The House returned S.341, a bill pertaining to **LEGAL DEFENSE AND INDEMNIFICATION FOR THE STATE BUDGET AND CONTROL BOARD AND THE RETIREMENT SYSTEMS INVESTMENT PANEL**, to the Senate with amendments. This bill provides that the state must defend members of the State Budget and Control Board and members of the Retirement Systems Investment Panel against a claim or suit arising from their performance of official duties on behalf of the board or panel, respectively, and the state must indemnify these members for a loss or judgment incurred by them as a result of the claim or suit, without regard to

whether the claim or suit is brought against them in their individual or official capacities, or both. The bill also requires that the state defend officers and employees of the board against a claim or suit that arises out of their performance of official duties unless the officer or employee was acting in bad faith, and the state must indemnify these officers and employees for a loss or judgment incurred by them as a result of such claim or suit, whether the suit was brought against them in their individual or official capacities, or both. The bill provides that this commitment to defend and indemnify extends to members, officers, and employees of the Board after they have left Board employment if the claim or suit arises from their performance of official duties on behalf of the Board.

The House returned S.168, a bill revising **PENALTIES FOR WATERFOWL HUNTING VIOLATIONS**, to the Senate with amendments. The Senate subsequently concurred in House amendments and ordered the bill enrolled for ratification. This bill provides that a person who violates a provision of the Federal Migratory Bird Treaty Act, its implementing regulations, or related state law is guilty of a misdemeanor, punishable by a fine of \$25 to \$500 or imprisonment of up to thirty days per offense. The bill provides that a person convicted of trespassing to hunt waterfowl; hunting or shooting waterfowl over bait; hunting waterfowl more than fifteen minutes before or after designated hunting hours; possessing more than one waterfowl over the legal limit; or hunting waterfowl out of season, is guilty of a misdemeanor punishable by a fine of \$200 to \$500 or imprisonment of up to thirty days per offense.

The House amended, approved, and sent to the Senate H.3228, a bill removing limitations for administrative hearings and **INCREASING FINES FOR DRIVING UNDER THE INFLUENCE OFFENSES**. The bill increases fines pertaining to driving under the influence offenses and provides in each instance that one hundred dollars of each fine imposed be placed by the Comptroller General into a special account to be used by the Department of Public Safety for the Highway Patrol. The bill provides that the Department of Public Safety is directed to keep permanent records of all Highway Patrolmen who are killed in the line of duty or die in any other manner while actively employed as well as records of those who are retired. The bill also makes revisions regarding the filing fee for requesting an administrative hearing to challenge certain driver's license suspensions, so as to provide that this fee applies to any administrative hearing before the Department of Public Safety, and to increase the fee from fifty to one hundred dollars. The bill makes revisions regarding a person's right to compulsory process when charged with the offense of, or an offense related to, driving under the influence of alcohol or another substance, so as to eliminate the provision that allows a person charged with an offense to complete a hearing request form and give it to the arresting officer who shall forward it to the Department of Public Safety. The bill revises provisions relating to the suspension of a person's driver's license who refuses to submit to a test to determine his alcohol concentration or who has a certain alcohol concentration, so as to eliminate the provision that requires a person to enroll in an alcohol and drug safety action program before he may request an administrative hearing.

The House approved and sent to the Senate H.3218, a joint resolution that provides for construction of the **SOUTH CAROLINA LAW ENFORCEMENT OFFICERS MEMORIAL** on the grounds of the Capitol Complex. This monument was approved in legislation signed by the Governor in 1994. H.3218 directs the State Budget and Control Board to proceed to construct the monument, using certain funds appropriated to or transferred to the Budget and Control Board, and after approval of the State House Committee for the design and location of the monument.

The House approved and sent to the Senate Joint Resolution H.3829 pertaining to **LEAVE FOR STATE EMPLOYEES ON ACTIVE NATIONAL GUARD DUTY**. The joint resolution allows state employees who are members of federalized National Guard units or activated reserve units, or members of National Guard or reserve units who have volunteered for active duty to use up to forty-five days of accrued annual leave in calendar year 2003 and to allow such employees to use up to ninety days of accrued sick leave in calendar year 2003 as if it were annual leave without regard to the thirty-day limit on annual leave that may be used in a year.

The House amended, approved, and sent to the Senate H.3054, a bill **REVISING CRIMINAL HISTORY REVIEWS REQUIRED FOR TEACHERS**. This bill provides that a person enrolled in a teacher education program in South Carolina must be advised by the college or university that his prior criminal record could prevent certification as a teacher in this State in accordance with State Board of Education guidelines. Before beginning full-time clinical teaching experience in this State, a teacher education candidate shall undergo a state criminal records check by the South Carolina Law Enforcement Division and a national criminal records check supported by fingerprints by the Federal Bureau of Investigation. The costs associated with the FBI background checks are those of the applicant. Information reported relative to prior arrests or convictions will be reviewed by the State Department of Education, and the State Board of Education when warranted, in accordance with board guidelines. A teacher education candidate with prior arrests or convictions of a serious nature that could affect his fitness to teach in the public schools of South Carolina may be denied the opportunity to complete the clinical teaching experience and qualify for initial teacher certification. An individual who is denied this opportunity as a result of prior arrests or convictions, after one year, may request reconsideration under guidelines established by the State Board of Education. A graduate of a teacher education program applying for initial teacher certification must have completed the FBI fingerprint process within eighteen months of formally applying for initial teacher certification or the fingerprint process must be repeated. An institution of higher learning in this State offering education as a major must inform a potential education major considering teaching as a career that his prior criminal history could prevent certification as a teacher in South Carolina. The student may then choose to have a SLED background check for advisement purposes. The cost associated with the SLED background check requested at the preservice level is that of the student.

The House approved and sent to the Senate **H.3614**, a bill providing that **ANTI-TERRORISM REWARD MONEY IS TAX DEDUCTIBLE**. The bill provides a deduction from individual income taxes of reward money paid to a resident taxpayer for information the taxpayer provides which directly leads to the removal as a threat of an international terrorist.

The House approved and sent to the Senate **H.3442**, a bill pertaining to the **PURCHASE OF MULTIPLE PISTOLS**. This bill revises provisions relating to the application a person must complete before purchasing a pistol, and restrictions placed on a person who purchases a pistol, so as to eliminate the provisions that prohibit a person from purchasing more than one pistol on an application, purchasing more than one pistol during each thirty-day period, and the exceptions to these provisions.

The House amended, approved, and sent to the Senate **H.3528**, a bill providing for a **CERTIFICATE OF BIRTH RESULTING IN STILLBIRTH**. This bill provides that the state registrar shall develop a form entitled 'Certificate of Birth Resulting in Stillbirth' for distribution to all South Carolina delivering hospitals. The hospital shall provide and offer to complete this form, prior to discharge, for mothers whose delivery resulted in a fetal death of twenty completed weeks of gestation or more or a weight of three hundred fifty grams or more. The certificate must be filed with the county registrar within three days following the delivery. The 'Certificate of Birth Resulting in Stillbirth' does not constitute proof of a live birth and does not replace the requirement to file a Report of Fetal Death.

The House amended, approved, and sent to the Senate **H.3306**, a bill pertaining to **SUBSIDIARY EXPANSIONS IN ECONOMIC IMPACT ZONES**. This bill provides that a holding company may reduce its paid-in capital surplus by the portion of contributions to capital received from its parent corporation that is directly or indirectly used to finance a subsidiary's expansion costing in excess of one hundred million dollars, which on the date construction started is located in an Economic Impact Zone. The bill provides that such a reduction is only allowed for the paid-in capital surplus of the holding company attributable to this contribution to capital for expansion. No reduction is allowed unless the expansion is completed within three years of the first contribution to capital received by the holding company, but this time limitation may be extended by the Department of Revenue as provided in the bill. The bill provides that amounts previously excluded in paid-in capital surplus pursuant to these provisions must be included in the first license tax year beginning after the period allowed for the expansion if the expansion is not timely completed. These provisions are applicable for contributions to capital for expansion made after August 2002.

The House approved and sent to the Senate **H.3408**, a bill **EXPANDING THE DEFINITION OF A LEGISLATIVE CAUCUS**. This bill revises provisions relating to definitions concerning lobbyists and lobbying and campaign practices, so as to revise the definition of "legislative caucus" to include a caucus based on duration of service in the General Assembly.

The House approved and sent to the Senate **H.3592**. This bill revises provisions relating to allocation of receipts and disbursements between principal and income for purposes of a **TRUST OR ESTATE**, so as to expand the scope of the section by making a change in a cross-reference.

The House amended, approved, and sent to the Senate **H.3077**. This bill provides that **UNLESS SPECIFICALLY ALLOWED BY STATUTE, IT IS UNLAWFUL FOR A PERSON TO HAVE GAMEFISH IN HIS POSSESSION WHILE FISHING WITH NONGAME TACKLE**.

The House amended, approved, and sent to the Senate **H.3613**. This bill provides that a person taking a furbearing animal under authority of a depredation permit may not dispose of the animal commercially. A person taking a furbearing animal in accordance with a depredation permit must report the number and type of animal taken to the department on forms prescribed by the department within twenty-one days of the expiration of the permit. Notwithstanding any other provision of law, a permit is not required for the **REMOVAL OF DESTRUCTIVE BEAVERS**.

HOUSE COMMITTEE ACTION

EDUCATION AND PUBLIC WORKS

The House Education and Public Works Committee reported favorable with amendment on **H.3333**. As reported by the Committee, this bill **REVISES CURRENT REQUIREMENTS REGARDING VEHICLE DRIVERS AND SCHOOL BUSES**. The bill requires that the driver of a vehicle meeting or overtaking from either direction a school bus stopped on a highway *or private road* must stop before reaching the bus where there are in operation on the bus flashing red lights, and the driver must not proceed until the bus resumes motion or the flashing red lights are no longer actuated. The bill provides that a driver need not stop upon meeting a stopped school bus when traveling in the opposite direction on a multi-lane highway or multi-lane private road, and the driver of a vehicle must not overtake a school bus which has amber visual signals actuated.

The bill requires that a school bus must be equipped with certain red and amber visual signals which must be actuated by the driver whenever the bus is stopped or preparing to stop on the highway to receive or discharge school children. The bill provides that a driver must not actuate the special visual signals when the bus is in designated school bus loading or off-loading areas if the bus is off the roadway entirely.

The bill provides required marking specifications for school buses. The bill provides that a school bus route which requires passengers to be loaded or off-loaded along a multi-lane highway or multi-lane private road must be designed to ensure that a

student is not required to cross a "multi-lane highway" or "multi-lane private road," as defined in the bill.

The Committee reported favorable with amendment on H.3397. As reported by the Committee, this bill, in an effort to reduce the weight of backpacks and related back injuries to students, **ENCOURAGES TEXTBOOK PUBLISHERS TO PROVIDE COMPACT DISC COPIES OF MIDDLE AND SECONDARY SCHOOL TEXTBOOKS**. For pupils without access to computers, the bill encourages schools to issue two textbooks, one for use at school and one for use at home. The bill also encourages local school boards to adopt policies to alleviate the burden of heavy backpacks.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

The Medical, Military, Public and Municipal Affairs Committee reported favorable with amendment on H.3191, the **ACCESS TO MEDICAL TREATMENT ACT**. As reported by the Committee, this bill allows an individual who has an illness or disease that could be "life threatening" (as defined in the bill) to receive experimental or non-conventional treatment from a licensed doctor. The doctor must personally examine the individual and agree to treat the individual. A legally authorized representative of the individual may also request these types of treatment for the individual. The bill allows the doctor to prescribe alternative or non-conventional medical treatment if the treatment does not pose any unreasonable and significant danger to the person and the patient provides written, informed consent about the treatment as specified in the bill.

The bill also provides that treatments administered in compliance with the bill do not constitute medical negligence or misconduct that could lead to disciplinary action by the State Board of Medical Examiners. However, the physician is to be held to the applicable standard of care for any physician providing treatment for a particular disease or condition. The bill prohibits a person from using the terms "physician," "medical doctor," "doctor of medicine," or "surgeon," in connection with his practice unless the person is licensed by the Board of Medical Examiners. The bill also makes the unlicensed practice of medicine a felony (currently it is a misdemeanor). The bill also makes the practice of naturopathy (except for physicians and surgeons licensed as provided in the bill) a felony instead of a misdemeanor and increases the penalties upon conviction.

BILLS INTRODUCED IN THE HOUSE THIS WEEK

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

H.3839 *POWERS OF STATE LIVESTOCK-POULTRY HEALTH COMMISSION* Rep. Witherspoon

This bill authorizes officers and agents of the State Livestock-Poultry Health Commission (the Commission) and other law enforcement officers to use the Uniform Traffic Ticket for violations of Title 47 (*Animals, Livestock, and Poultry*) of the *South Carolina Code of Laws* which fall within the jurisdiction of the Commission and of the summary courts. The bill also amends current law regarding traffic tickets so as to include on the uniform traffic ticket, offenses related to livestock and poultry.

S.166 *HUNTING FROM A PUBLIC ROAD* Sen. Gregory

For purposes of hunting from a public road, this bill amends the definition of "hunting."

H.3889 *VETERINARIANS* Rep. Dantzler

This bill deletes the current South Carolina Code of Laws chapter regarding veterinarians and rewrites it to conform to the statutory organizational framework of board regulation of professions and occupations under the Department of Labor, Licensing, and Regulation. The bill provides for the licensure and regulation of the State Board of Veterinary Medicine, including, but not limited to, revising procedures for conducting hearings; requiring disciplinary proceedings to be open to the public with certain exceptions; providing for licensure by endorsement; authorizing "veterinary student preceptor" (defined as a student enrolled and in good standing in a recognized college of veterinary medicine) programs; and establishing certain standards for emergency care facilities and mobile care requirements.

EDUCATION AND PUBLIC WORKS

S.258 *REQUIRED INSTRUCTION IN PERSONAL FINANCE* Sen. Gregory

This bill requires that all South Carolina public high school students must receive instruction in the area of personal finance, as provided in the bill.

H.3890 *ANNUAL CALENDAR FOR SCHOOL DISTRICTS* Rep. Walker

This bill authorizes local boards of trustees to set the annual calendar for the school district in order to designate three days for students and employees for the makeup of days missed due to extreme weather or other disruptions, and authorize with a

majority vote of the board the granting of a waiver to length of school term and makeup day requirements.

JUDICIARY

H.3838 MULTIDISCIPLINARY TEAM REVIEWING RECORDS TO DETERMINE IF A PERSON IS A SEXUALLY VIOLENT PREDATOR Rep. Harrison

This bill revises the membership of the multidisciplinary team reviewing records to determine if a person is a sexually violent predator. In place of the Chief Attorney of the Office of Appellate Defense or his designee, the bill substitutes an attorney experienced in the practice of criminal law appointed from a list of candidates submitted by the President of the South Carolina Bar to serve a term of one year.

S.508 COURT CONTINUANCE REQUIRED FOR MEMBERS OF RESERVES ON ACTIVE DUTY Senator McConnell

This bill expands the provision relating to a judge's duty to grant a continuance in a court case when a party or his attorney is on active duty as a member of the national guard by also requiring that a judge grant a continuance in a court case when a party or his attorney is on active duty as a member of the reserves.

H.3857 CHIEF INFORMATION OFFICER IN GOVERNOR'S CABINET Rep. Edge

This bill provides that beginning July 1, 2003, the Governor shall appoint a cabinet-level officer to be known as the "Chief Information Officer" who shall serve at the pleasure of the Governor and whose duties and responsibilities shall include administering or coordinating the administration of the information technology functions and procurements of all cabinet-level agencies and departments.

H.3858 "VESTED RIGHTS ACT" Rep. Edge

This bill enacts the "Vested Rights Act" by providing for the establishment of vested property rights allowing the commencement and completion of development and use of property pursuant to a site specific development plan or an approved phase development plan. The legislation provides for the local government acts and factors triggering a vested right, limits the vesting for a term of years, protects the holder of vested rights from zoning changes unless certain conditions are met, and provides that a vested right attaches to and runs with the property.

H.3867 JURY POOLS IN MUNICIPAL AND MAGISTRATES COURTS Rep. Harrison

This bill revises provisions relating to drawing and composing a jury in municipal court, so as to increase the size of the pool from which jurors are selected and to eliminate a provision for drawing a jury for a single trial which requires peremptory challenges in advance of the trial date. The bill revises provisions relating to selection of a jury in magistrates court, so as to increase the size of the jury pool from which a jury is selected and make other revisions to make provisions consistent and free of archaic language.

S.263 STATE DNA DATABASE REVISIONS Sen. Moore

This bill revises provisions relating to creating and maintaining a State DNA Database, so as to require a DNA sample from an individual upon incarceration, after the conviction of any felony, or upon release from incarceration. The bill provides for liability in cases of negligence when taking a blood sample for the purpose of obtaining a DNA sample. The bill requires secure storage and confidentiality of the DNA samples. The legislation provides that DNA samples are confidential.

H.3881 DEFINITION OF "EMPLOYEE" UNDER THE SOUTH CAROLINA TORT CLAIMS ACT Rep. G. M. Smith

This bill revises the definition of "employee" used in the South Carolina Tort Claims Act, so as to include members of the South Carolina National Guard, members of the South Carolina State Guard, persons acting on behalf or in service of a governmental unit without pay or compensation, court-appointed attorneys, and public defenders.

LABOR, COMMERCE AND INDUSTRY

H.3859 INDOOR USE OF PYROTECHNIC MATERIALS PROHIBITED
Rep. Edge

This bill prohibits the indoor use of pyrotechnic materials.

H.3860 VACATION TIME SHARING PLANS Rep. Edge

This bill provides for revisions to laws governing vacation time sharing plans.

H.3861 UNLAWFUL TO PROFIT FROM CERTAIN CANCELLATIONS OR DELAYS OF TRAVEL ON A COMMON CARRIER Rep. Hinson

This bill provides that it is an unfair trade practice and unlawful for a person, common carrier or travel agency to profit or be unjustly enriched from the cancellation or delay of travel on a common carrier when the cancellation or delay occurs because of an act of the common carrier, a natural disaster, a government warning or travel advisory, a threat to the national or homeland security, or an act of war. The bill provides procedures for demanding refunds and for refusing refunds in disputed cases. Penalties are provided for violations.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

S.419 CERTIFICATE OF NEED PROGRAM EXEMPTIONS Sen. J. Verne Smith

This bill revises the Certificate of Need and Health Facility Licensure Act exemption for offices of licenses private practitioners and requires that a licensed private practitioner obtain a Certificate of Need from the Department of Health and Environmental Control before undertaking construction or establishment of a new

health care facility or acquiring certain medical equipment used for diagnosis or equipment.

H.3891 ACUPUNCTURE Rep. Quinn

This bill enacts the *Acupuncture Act of South Carolina*. Provisions of the bill include:

- Establishment of the Acupuncture Advisory Committee (the Committee) which would, among other things, recommend to the State Board of Medical Examiners (the Board), regulations relating to professional conduct; recommend to the Board continuing professional education requirements for acupuncturists, auricular therapists, and auricular detoxification specialists; receive assistance from state educational institutions or agencies and prepare information of consumer interest describing the regulatory functions of the Board and consumer complaint filing procedures; make recommendations to the Board regarding qualifications for, and issuance and renewal of, licenses to acupuncturists, auricular therapists, and auricular detoxification specialists; keep a registry of all licensees; and hear disciplinary cases and make recommendations to the Board (which makes the final decision);
- Requirements for licensure of applicants for the practice of acupuncture, auricular therapy, and auricular detoxification therapy, and provisions for renewal of such licenses;
- Prohibition (with certain exceptions) against an unlicensed person holding himself out as an acupuncturist, auricular therapist, or auricular detoxification specialist, and procedures and penalties applicable to violations of this prohibition;
- Circumstances for which a finding of misconduct constituting grounds for revocation, suspension, probation, reprimand, restrictions, or denial of license must be found against an acupuncturist, auricular therapist, or auricular detoxification specialist;
- Establishment of various relevant licensing fees.

In addition to repealing current law regarding acupuncturists, the bill also repeals current law regarding unstamped or untaxed goods being contraband and subject to confiscation and regarding the creation of the Mental Health Commission.

WAYS AND MEANS

H.3840 PAYMENT FOR BINGO CARDS Rep. Kirsh

This bill deletes the option of paying the State by check for the issuance bingo cards.

H.3841 BINGO Rep. Kirsh

This bill prohibits a bingo manufacturer from distributing bingo cards to a person not licensed as a distributor. The bill requires the Department of Revenue to permanently revoke the license of a distributor who releases cards without the department's written authorization. The bill also increases from thirty days to forty-five days the period the department has to approve or reject a license after it is applied for.

H.3842 BINGO Rep. Kirsh

This bill limits proceeds for a Class C bingo game to One Hundred Thousand dollars a calendar quarter. The bill also provides procedures that must be followed if the gross bingo proceeds for any calendar quarter exceed that amount, including payment of tax and application for a Class B license. The bill also provides for an audit of a licensee converting from a Class C to a Class B license to determine the tax owed.

H.3852 BOND AUTHORIZATION FOR SCHOOL BUSES Rep. Lourie

This bill authorizes twenty million dollars in capital improvement bonds for the purchase of school buses, and raises the aggregate principal indebtedness limit accordingly.

H.3853 INVESTMENT MANAGEMENT OF STATE FUNDS Rep. Cooper

This bill authorizes the State Treasurer to charge a fee for operation and management costs of investment management of state funds and programs, subject to limitations provided in the bill. The bill further authorizes the Treasurer to expend such fees to provide these services,

S.203 SOUTH CAROLINA HIGHER EDUCATION EXCELLENCE ENHANCEMENT PROGRAM Sen. Jackson

This bill establishes the *South Carolina Higher Education Excellence Enhancement Program*, administered by the Commission on Higher Education (the Commission) for the general purpose of enhancing the educational opportunities of low-income and educationally disadvantaged children. The program would be funded from the Education Lottery Account as provided by the General Assembly. From these funds, the Commission would contract with "eligible institutions" (defined as four-year institutions of higher learning at which sixty percent or more of the enrolled undergraduate students are low income and educationally disadvantaged students) certified by the Commission for certain specified uses intended to facilitate the purposes of the bill.

H.3888 SCHOOL DISTRICT BONDS Rep. Hinson

This bill provides that, relating to the effect of Article X of the South Carolina Constitution on bonds of school districts, a complete or partial successor-in-interest to, or other transferee of, the school district or other associate of any kind of the school district is deemed to be the school district when the successor, transferee, or associate undertakes all or a portion of the operation or assumes all or a portion of a duty of the school district.

The *Legislative Update* is on the Worldwide Web. Visit the South Carolina General Assembly Home Page (<http://www.scstatehouse.net>) and click on "*Publications*," then click on "*Legislative Update*." This will list all of the *Legislative Updates* by date. Click on the date you need.

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